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Louis M. Solomon

Direct Phone: +1 212 549 0400

Email: Lsolomon@reedsmith.com

Reed Smith LLP
599 Lexington Avenue
New York, NY 10022-7650
+1 212 521 5400
Fax +1 212 521 5450
reedsmith.com

January 2, 2024

VIA ECF

The Hon. Mary Kay Vyskocil
United States District Judge
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *Iacovacci v. Brevet Holdings, LLC, et al.*, No. 1:18-cv-8048-MKV

Dear Judge Vyskocil:

I write as lead counsel for Defendants (“Brevet”) in the above-captioned matter. Pursuant to Your Honor’s Order dated December 27, 2023 (ECF No. 423, para. 3), we write to request an adjournment of the trial of this action from the January 23, 2024 date set by that Order.

The grounds for this request are that I am scheduled to be at an arbitration hearing and then a Bankruptcy Court hearing for three of the days during that week and am therefore unable to attend the reset trial date. On January 23 and 24, I am lead American law counsel in a confidential arbitration hearing, *[R] Healthcare, LLC v. [P]*. That hearing involves multiple parties and has long been set for those days and, to the best of my knowledge and belief, could not be rescheduled without prejudicing my clients and the opposing side. The details of the arbitration, including the identities of the parties, are confidential but, should the Court wish, we could provide further information *in camera* and on a confidential and nonpublic basis. On January 25, I am appearing as lead litigation counsel for Debtors in a bankruptcy hearing before Judge Mastando, *Eletson Holdings, Inc.*, Chapter 11 Case No. 23-10322 (JPM) (Bankr. S.D.N.Y.). The hearing set for January 25 is one that I must attend and at which I will be presenting argument, involves a great many parties, and to the best of my knowledge and belief, could not be rescheduled without prejudicing Debtors.

In terms of setting the trial date for this matter after the week of January 23, Brevet asks this Court to consider additional pre-set judicial or arbitral hearing conflicts that involve multiple parties and that to the best of my knowledge and belief could not be rescheduled without prejudicing clients. They include:

- **January 29-30, 2024** – *Generation Growth Capital Fund III v. PDQ Manufacturing Inc.*, No. 21-CV-6427 (Wis. Cir. Ct., Milwaukee Cnty.). I am lead trial counsel for the Defendant in this action pending in Wisconsin. I am scheduled to travel to Wisconsin to argue a motion for summary judgment on January 30, 2024. The date of this oral argument was previously rescheduled.

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- **February 8 & 12, 2024** – *[R] Healthcare, LLC v. [P]*– see above. The arbitration hearing in this matter, described above, is set to continue and conclude on these dates.
- **February 13-15, 2024** – *GNC Holdings, LLC v. ONI Global Pte. Ltd.*, Case 01-22-0002-2259 and *ONI Distribution Corporation, et al. v. GNC Holdings, LLC*, Case 01-22-0002-2849 (International Centre for Dispute Resolution). I am lead hearing counsel for Claimants in this three-arbitrator international arbitration. The parties to this arbitration are scheduled to appear in person for post-hearing closing arguments, for which two days have been scheduled, with the third day ordered to be held in reserve in case the arbitral panel deems further time necessary.
- **February 27, 2024** – *Eletson Holdings, Inc.*, Chapter 11 Case No. 23-10322 (JPM) (Bankr. S.D.N.Y.). I am, as noted, lead litigation counsel for Debtors in this bankruptcy proceeding pending before Judge Mastando. The omnibus hearing scheduled for February 27, 2024 is one that I must attend and at which I will be presenting argument.

Accordingly, Brevet respectfully requests that the trial of this matter be adjourned from January 23, 2024 and that the trial be set at a time convenient to the Court, the parties, witnesses, and counsel.

We thank the Court for its attention to this matter.

Respectfully,



Louis M. Solomon

cc: Counsel of record (via ECF)